

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

AMERISURE INSURANCE COMPANY, )

Plaintiff, )

v. )

CIVIL ACTION NO.: 2:06-CV-1097-MHT

LOWDER CONSTRUCTION )  
COMPANY, INC. and COLONIAL )  
REALTY LIMITED PARTNERSHIP, )  
d/b/a COLONIAL PROPERTIES )  
REALTY LIMITED PARTNERSHIP, )

Defendants. )

**MOTION BY LOWDER CONSTRUCTION COMPANY, INC.**  
**FOR LEAVE TO FILE RESPONSE TO PLAINTIFF'S**  
**BRIEF IN OPPOSITION TO LOWDER'S MOTION TO STRIKE**

COMES NOW the defendant, Lowder Construction Company, Inc., and moves this Court permit Lowder a period of ten (10) days to file its brief in response to Amerisure's Opposition to Lowder's Motion to Strike. For grounds, you rmovant would show unto the Court as follows:

1. The plaintiff, Amerisure, has made certain arguments concerning Lowder's position with respect to the legal effect of Reservation of Rights Letters which are at issue in this matter.
2. The question before the Court is the legal effect of those Reservation of Rights Letters is a question of law as opposed to one of opinion.
3. The Brief submitted by Amerisure cites no legal authority in support of any of its positions.

4. Lowder requests a brief period of time to provide the Court pertinent legal authorities in response to Amerisure's position.

BALL, BALL, MATTHEWS & NOVAK, P.A.

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CERTIFICATE OF SERVICE

I hereby certify that on this 1<sup>ST</sup> day of October, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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